

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CARA LESLIE ALEXANDER,	)	
et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil No. 96-2123
	)	97-1288
	)	(RCL)
FEDERAL BUREAU OF	)	
INVESTIGATION, et al.,	)	
	)	
Defendants.	)	
_____	)	

MEMORANDUM AND ORDER

This matter comes before the court on Defendant EOP's Motion [575] for Judicial Supervision of the Re-Deposition of Terry W. Good and defendant EOP's Motion for Expedited Consideration. Upon consideration of these motions, plaintiffs' opposition to defendant EOP's motion for judicial supervision, and defendant EOP's reply thereto, the court will GRANT defendant EOP's Motion for Expedited Consideration and DENY Defendant EOP's Motion [575] for Judicial Supervision of the Re-Deposition of Terry W. Good.

On December 7, 1998, this court authorized the limited re-deposition of Terry Good, Director of the White House Office of Records Management. This re-deposition was authorized based upon apparently conflicting and evasive responses given by Good at his original deposition, especially those instances in which he answered that he "could not recall" certain information, in light of Good's misunderstanding that he was to answer "I do not

remember" whenever his memory was less than certain. This re-deposition may change the substance of Good's testimony and it will bear upon potential sanctions to be awarded to plaintiffs, if appropriate.

Defendant EOP asks for this court to personally supervise Good's redeposition, arguing that "face-to-face" observation is critical because it will somehow allow the court to better judge Good's credibility and avoid placing defendant EOP's counsel in the position that "their conduct at the re-deposition will itself be made the subject of further demands for sanctions." Defendant EOP's Motion for Judicial Supervision at 2. The court will deny defendant EOP's request.

The court does not see good cause for the extraordinary relief of personally overseeing this deposition. The court is aware and was aware at the time of its earlier ruling that discovery in this case has been contentious and that its ruling would involve hotly contested issues as to sanctions. The court is satisfied, however, that the transcript and videotape of this deposition proceeding will be more than adequate substitutes for personal judicial oversight. To the extent defendant EOP complains that more than one video recorder is necessary to capture the demeanor of every attorney in the room at the re-deposition because their conduct may be subject to another sanctions motion, these concerns are unfounded. The court has been asked to rule upon sanctions motions in connection with almost every substantive motion in this case,

and it is otherwise required to do so as to discovery motions brought pursuant to FED. R. CIV. P. 37. The fact that this is a re-deposition creates no special handicap for the court in this evaluation. The only difference as to Good's re-deposition is that the sanctions issue has been explicitly brought to the surface beforehand by the court's December 7, 1998 order.

The court will, however, order that all counsel who expect to attend Good's re-deposition file in advance thereof a certificate with the Clerk of Court that they have carefully read the "D.C. Bar Voluntary Standards for Civility in Professional Conduct," a copy of which is appended hereto.<sup>1</sup> Although a violation of these standards is not itself sanctionable, per se, the court believes these standards provide useful and appropriate guidance to lawyers when questions are raised about professional conduct.

For the foregoing reasons, the court HEREBY ORDERS that:

1. Defendant EOP's Motion for Expedited Consideration is GRANTED.

2. Defendant EOP's Motion [575] for Judicial Supervision of the Re-Deposition of Terry W. Good is DENIED.

3. All counsel who expect to attend Good's re-deposition shall file in advance thereof a certificate with the Clerk of Court that they have carefully read the "D.C. Bar Voluntary Standards for

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<sup>1</sup>Additional copies may be obtained by contacting the court's Courtroom Deputy.

Civility in Professional Conduct," a copy of which is appended hereto.

SO ORDERED.

Date:

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Royce C. Lamberth  
United States District Court